



**Ivington C of E
Primary and
Pre-school**

*Reaching together with the Fruit of the
Spirit (Galatians 5:22-23)*

Disciplinary Policy and Procedure

Approval of the Governing Body

This document is a statement of the aims, principles and strategies for:

Disciplinary Policy and Procedure

at

Ivington CE (VA) Primary and Pre-school

It was revised during the:

Spring Term 2024

It has been agreed and is supported by the teaching staff and the governing body.

We aim to review this policy during the:

Spring Term 2027

Or sooner if necessary



Linking with our Vision – Reaching together with Love, Joy and Peace (Galatians 5:22-23)

To provide a caring, Christian ethos for the school, which inspires and excites a shared enthusiasm for life and learning.

At Ivington CE Primary and Pre-school, through our strong Christian ethos and focus on nine important Christian values, we are committed to providing a deeply nourishing, spiritual, ambitious, and broad curriculum.

Our motto, 'Reaching together' underpins our belief in equality of opportunity for all, where we actively endeavour to promote understanding and appreciation of our diverse society and give each child a special place in the world where they feel valued, essential to our community and equipped with the necessary skills to make a positive contribution.

We perceive our role to be opening a 'Window on the World', through which our pupils are actively encouraged to develop respect for the beliefs and cultures which enrich their everyday lives and encourage others to do likewise.

We strive to eliminate inequality through our deep Christian ethos of respect and understanding of all groups in society, which ensures that everyone at Ivington will be treated fairly despite his or her creed, colour, disability, or gender.

More details are available in our Inclusion, Racial Equality and Equal Opportunities policies.

The health, safety, and welfare of all the people who work or learn at our school are therefore of fundamental importance. We aim to provide a safe, secure, and pleasant working environment for everyone. The governing body, along with the LA, takes responsibility for protecting the health, safety and welfare of all children and members of staff.

POLICY

The purpose of this policy is to provide clear, consistent and fair disciplinary procedures that enables the governing body to comply with its responsibilities under employment legislation and best practice, including ACAS guidelines and regulation 7 (1) of the School Staffing (England) Regulations 2009 (amended 2015).

The aim of this policy is to help employees achieve and maintain high standards of conduct. It sets out the procedure that ensures allegations of unsatisfactory conduct are dealt with fairly, consistently and promptly.

This means that:

- No disciplinary action will be taken against an employee until the matter has been properly investigated, but it will be progressed promptly. In the event of a disciplinary hearing being arranged the employee will be advised of the nature of the allegations and the potential consequences of the allegations i.e. written warning, final written warning or dismissal, beforehand and in writing;
- The employee will be encouraged to seek Trade Union advice and given the opportunity to state their case before any decision is made;
- In reaching a decision on appropriate disciplinary penalties managers will take into account all of the circumstances including those put forward in mitigation by the employee;
- At all stages of the procedure the employee may be accompanied by a work colleague or an appropriately trained and elected trade union representative;
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct.
- The procedure may be implemented at any stage if the alleged misconduct warrants such action; and
- Every employee has the right to appeal against any disciplinary action taken under the formal stages of the procedure.

Examples of behaviour that may be considered gross misconduct are listed under APPENDIX 7 - EXAMPLES OF MISCONDUCT. This list is not exhaustive and it should be read alongside the relevant Code of Conduct for any employee.

The governing body's rules and standards apply to all employees and are summarised in the employee's statement of terms and conditions, policies and associated documents, and the relevant Code of Conduct.

SCOPE

This policy and procedure applies to schools with full delegated status as laid down in Herefordshire Council's Local Management of Schools (LMS) Scheme.

This policy and procedure applies to all employees who work in a maintained school, but can be applied to Voluntary Aided, Trust Schools and Academy Schools. All Community and Voluntary Controlled schools where the Local Authority is the legal employer must follow this policy and procedure. The governance arrangements for Voluntary Aided, Trust schools and Academies are different in that the governing body is the legal employer as opposed to the Local Authority. Therefore, the procedure may be varied in accordance with the arrangements at the school.

Voluntary Aided Schools should, of course, keep the Diocesan Authorities informed of any action they intend to take. Where Voluntary Aided, Trust schools and Academies develop their own arrangements, and are responsible for consulting with the relevant trade unions. These arrangements must be communicated to HR Services.

The Disciplinary Policy and Procedure applies where the issues involved are under the reasonable control of the employee. These include negligence, lack of application on the part of the employee, or problems resulting from an employee's inappropriate attitude ('can but won't'). This is distinct from where the problems are due to the result of the employee's inability to undertake the duties of their post due to insufficient skill or aptitude ('would but can't').

Where the reason is not within the control of the employee, e.g. ill-health, lack of training, or the changing nature of the job, HR002 (SCCH) Managing Performance Policy for support staff or HR001 (SCH) Teacher Capability Policy and Procedure, HR006 (SCH) Managing Attendance Policy and Procedure (or HR021 (SCH) Probationary Policy (for employees who are employed on NJC terms and conditions and new to local government) will be used instead. All policies can be supplied at request by the Head teacher or nominated representative. However, where an employee's absence level has been investigated and the absences have been deemed to constitute an abuse of the occupational sick pay scheme the employee will be dealt with under the disciplinary procedure.

SUPPLY TEACHERS

In some cases schools may need to consider an allegation against an individual that is not directly employed by them. Supply teachers whilst not employed by the school, are under the supervision, direction and control of the governing body when working in the school. Whilst the disciplinary procedure does not apply to non-employed school personnel, the school should still ensure any allegations are investigated properly. Consideration should be given to redeploying the supply teacher to another part of the school, if appropriate, whilst the investigation is carried out. Schools should work closely with the employing agency, but take the lead on the investigation as they have direct access to children and other school staff that may need to be interviewed as part of the investigation. Any disciplinary hearing arising from the investigation would be undertaken by the employing agency.

CONFIDENTIALITY

It is extremely important that when an allegation is made, that the school make every effort to maintain confidentiality, and guard against publicity while an allegation is being investigated or considered.

Witnesses must be advised on the purpose and confidential nature of the interview and that they must not discuss the investigation with people outside of it.

Parents and carers of children named in an allegation should also be made aware of the requirement to maintain confidentiality about any allegations made against school staff as set out in section 141F of the Education Act 2002 (para 233-234). The deliberations of a disciplinary hearing or the information taken into account in reaching a decision cannot normally be disclosed but the parents or carers of the child should be kept informed during the process, and notified when it has been concluded. It is not appropriate to share the specific outcome of any hearing.

INFORMAL DISCIPLINARY PROCEDURE

Head teachers should speak with the employee, privately and at an early opportunity, if there are any concerns about the employee's conduct. This enables the Head teacher or nominated representative to clarify the acceptable standards of behaviour. The Head teacher or nominated

representative will need to ensure that the employee understands what they need to do, when, and how this will be monitored or reviewed in future. Prompt action by the Head teacher or nominated representative in such circumstances will help avoid the necessity to resort to formal procedures later on and will assist the employee to improve. This discussion is not a disciplinary hearing. If it appears that the issue is more serious than at first anticipated the meeting should be terminated and the formal procedures followed.

The Head teacher or nominated representative will keep brief notes of the discussion and action agreed, and will confirm the main points of the discussion to the employee, outlining the school's expectations moving forward and any support being provided, in writing afterwards so that both parties have a record they can refer to. This could be in the form of an email or letter – often called a 'Record of conversation' (see Record of Conversation Guidance document). A 'Record of Conversation' is not a formal warning, and therefore is no right to appeal against an instruction being given.

Where an employee feels that an instruction is not reasonable, or where they feel they have been treated less favorably they should seek to resolve their concerns informally. Where the matter cannot be resolved informally, the employee can raise a formal complaint via the (HR004) Grievance Procedure.

FORMAL DISCIPLINARY PROCEDURE

FACT FINDING/INVESTIGATION

When alleged misconduct has been identified or an allegation of misconduct is made, they will be investigated by a member of the Senior Leadership Team, the Head teacher, a nominated representative or HR Services. The investigating officer should have no conflict of interest regarding the case and should be competent in undertaking investigations.

The role of the Investigating Officer is to consider and investigate the alleged incident objectively, and determine whether the case should be referred to a disciplinary hearing.

The terms of reference for the investigation should be clearly determined (TEMPLATE 2 - INVEST TORS).

The investigation must be completed as soon as possible, and be thorough, impartial, proportionate, and fair. The investigation can include:

- interviews with the employee concerned
- Interviews with third parties such as witnesses, colleagues, and members of the senior leadership team
- Reviewing CCTV footage, emails and internet usage, where this is allowed under school policy
- records in relation to timekeeping, written records and documents
- a search of the employee's person or property with their permission.

Where necessary and on an exceptional basis (usually for fear of reprisal) the identity of witnesses may be kept confidential, although this cannot be guaranteed. (TEMPLATE 6 – INVEST INVITE (W))

Where an employee is called to attend an investigatory meeting, it will be made clear that whilst it is not a disciplinary hearing, the investigation could lead to a disciplinary hearing if circumstances warrant such action. (TEMPLATE 5 - INVEST INVITE (E))

If an employee wishes to be accompanied at an investigatory meeting (by an appropriately trained and elected trade union representative or work colleague), they should inform the Investigating Officer and will not be unreasonably refused.

Where alleged misconduct is about corporate abuse of systems, or similar, a strategy meeting will be held between HR Services, the Head teacher / chair of governors and legal services if appropriate, to decide how best to approach the investigation.

If there is a requirement to interview a child as part of the investigation it should be undertaken without delay. The child should be accompanied by a trusted adult during any meeting and care should be taken to ensure they are put at ease.

The Investigating Officer will ensure that notes are taken of the questions asked during any investigatory meeting, and the responses given. A suitable school based employee i.e. clerk to governors, personal assistant will be invited to attend the meeting by the investigating manager for this purpose, or an external note taker will be appointed. Where this is not possible, a permission will be sought to record the meeting and this will then be transcribed, and a copy given to the employee. These notes will form the investigating officer's record of the meeting, but a copy will be provided to the employee and where applicable their representative for information, following the meeting. The employee and their representative should ensure that the notes are accurate and a true record of the meeting. The employee and their representative may, if they wish, submit a note to the Investigating Officer if they believe the management record is not accurate. This will then be attached to the Investigating Officer's notes and form part of the case records should a formal disciplinary hearing be necessary. Employees will be asked to confirm that the notes are an accurate reflection of the discussion, either by signing a copy or by confirming via email and these will then form part of the investigating officer's report. Where a child has been interviewed, the trusted adult should confirm the notes are a true reflection of the meeting.

Once the investigation is concluded the investigating officer will complete a report and identify whether there is sufficient evidence to take the case forward to a disciplinary hearing. The Head teacher, nominated representative or chair of governors (in cases of potential dismissal) [to be known as the Disciplining Manager], will consider the recommendation and determine how to proceed.

If it is decided to hold a disciplinary hearing the necessary arrangements will be made by either the Head teacher or nominated representative or clerk to governors as appropriate. The investigating officer will present their report and findings at any disciplinary hearing that are subsequently arranged.

If it is decided not to hold a disciplinary hearing the Disciplining Manager should write to the employee to confirm this and to set out what arrangements, if any, are necessary to ensure a smooth return to normal working. Where there is evidence of low level misconduct, consideration should be given to issuing a Record of Conversation (See separate Record of Conversation guidance), outlining the schools expectations moving forward (see section 5).

DISCIPLINARY HEARINGS

A disciplining manager will be selected who has no prior involvement to the case in question. Upon receipt of TEMPLATE 4 – INVEST SUMM the disciplining manager will undertake the following action:

Write to the employee outlining the allegations, the basis on which they have been made, and asking them to attend a disciplinary hearing (TEMPLATE 8 – HEAR INVITE). A minimum of five working

days' notice will be given of the hearing. The disciplining manager will endeavour to hold the disciplinary hearing within 15 working days of receipt of the summary of investigation form. If the employee's representative (see para 5.3.4) cannot attend on the proposed date, the employee or the employee's representative can suggest another reasonable date and time for the hearing, normally no more than five working days after the date originally proposed. The five day limit may only be extended by mutual agreement.

In addition to enclosing a copy of HR003 (SCH) Disciplinary Policy and Procedure, any documents that the investigating officer will refer to during the disciplinary hearing should also be sent to the employee (i.e. TEMPLATE 4 – INVEST SUMM, the investigating officer's notes of investigatory meetings, copies of witness statements etc.), along with the names of any witnesses who will be attending the hearing at the investigating officer's request. A copy of the letter requesting the employee's attendance at the hearing will be sent to HR Services for information (where appropriate) and, if the employee has requested, a copy will be sent to their work colleague/ appropriately trained and elected trade union representative.

Right to be accompanied: The employee has the right to be accompanied at all formal stages of the disciplinary procedure, including appeals, by an appropriately trained and elected trade union representative or work colleague. This right does not apply to informal stages but will a request for the right to be accompanied would not be unreasonably refused. No companion from an external source, other than a trade union official, may accompany the employee, unless this is agreed as a reasonable adjustment.

The companion should be allowed to address the hearing to put and sum up the employee's case, respond on behalf of the employee to any views expressed at the meeting and confer with the employee during the meeting. The companion does not however have the right to answer questions on the employee's behalf, address the meeting if the employee does not wish it or prevent the employee from explaining their case.

Evidence and witnesses: If the employee wishes additional evidence to be considered at the hearing, they should discuss their needs with the investigative officer, who will facilitate this. Where required, the employee will be provided reasonable time to collate any further information required. The employee, or their representative, must provide copies of the documentation to which they may refer, and the names of any witnesses they wish to attend, to the nominated contact at least two working days prior to the disciplinary hearing. It is the employee's responsibility to inform their witnesses of the date, time and location of the hearing.

Failure to attend: If the employee fails to attend the disciplinary hearing without notifying the school or providing a medical certificate for absence, through circumstances beyond their control at the time the meeting was arranged, the disciplining manager should write to the employee advising of an alternative date for the disciplinary hearing (TEMPLATE 10 – HEAR FAIL). If the employee's work colleague or appropriately trained and elected trade union representative cannot attend on the proposed date, the disciplining manager will suggest another reasonable date, normally no more than five working days after the date originally proposed. The five day limit may only be extended by mutual agreement. If the employee fails to attend the re-arranged hearing the disciplinary will proceed in the employee's absence, and the employee will be notified of the outcome of the meeting in writing (TEMPLATE 11 – HEAR FAIL 2), normally within 5 working days.

Format of the hearing: The disciplinary hearing will include the following:

- The investigating officer will present the finding of his/her investigation. The employee and/or their appropriately trained and elected trade union representative/work colleague will have the opportunity to ask questions of the investigating officer, and

witnesses (where present). The disciplinary manager may also ask questions of the investigating officer.

- The employee and/or their appropriately trained and elected trade union representative/work colleague will then present their case, and the investigating officer and disciplinary manager will have the opportunity to ask questions of the employee, and of any witnesses called. The employee, rather than the representative, must answer questions relating to matters of fact.
- Witnesses will attend in person, should appear one at a time and should only be present whilst they are giving evidence or are being questioned. Where a witness is unable to attend, the disciplining manager will take into consideration their statement but may reduce the weighting given to the statement.
- Both parties will be invited to sum up their cases in the order in which they were presented.
- The hearing will be adjourned while the disciplinary manager makes a decision. Where possible a decision will be made during the adjournment. However it is essential that the disciplinary manager gives due time and attention to all the information provided at the hearing and in doing so it may not be possible to make a decision on the same day. The disciplinary manager will keep the employee informed of how and when they will be communicated to in accordance with the policy.

The disciplining manager or panel of governors will ask at any stage, questions they need of the employee, investigating officer and any witnesses. A representative from HR Services may attend the hearing to provide appropriate advice and guidance to the disciplining manager or panel of three governors hearing the case and to ask any additional questions in order to ensure the panel have the full information. The employee's representative will be able to address the hearing and put questions, but other than in exceptional circumstances the employee must answer any questions put directly to them. Notes of the hearing will be taken by a suitable note taker arranged by the Head teacher or nominated representative / governing body. A copy of the hearing minutes will be provided to the employee and their representative, following the hearing, normally within 5 working days.

Outcome and sanctions: The disciplining manager or panel of governors will decide the appropriate disciplinary measure, if any, following a consideration of the facts, any statement put forward by the employee in mitigation, and on the balance of probability that the employee breached the rules of conduct. The measures open to the manager are:

- **No disciplinary action.** Applicable where there is insufficient or no evidence to support the allegation(s). If appropriate the Head teacher or nominated representative or panel of three governors should bring to the attention of the employee any concerns about any of their actions, which whilst insufficient in themselves to warrant a disciplinary penalty, should be avoided in the future. Any such concerns should be followed up in writing, and may be given as a Record of Conversation (see section 5).
- **First Written Warning.** If conduct is unsatisfactory the employee will be given a written warning. Details of the required improvements necessary and the consequences of failure to achieve/adhere to these within a specified timescale will be given in writing. This warning will be disregarded for disciplinary purposes after 12 months.
- **Final Written Warning.** If the offence is sufficiently serious, or there is no improvement in standards, or if a further offence of a similar kind occurs, a final written warning will be issued. Details including the reason for the warning, the consequences of further failure or repetition, and the timescales required for improvement will be

provided in writing. This warning will be disregarded for disciplinary purposes after 24 months.

- **Extension of Existing Live Warning.** If the conduct has failed to improve, or if a further similar offence occurs and where a final written warning is in place, but the disciplining manager or panel of governors decides that dismissal is not proportionate, they may extend an existing warning by up to 24 months, as an alternative to dismissal.
- **Dismissal.** If the conduct has failed to improve, or if a further similar offence occurs, the normal consequence will be dismissal with notice or payment in lieu of notice. In cases of gross misconduct the normal consequence will be summary dismissal (without notice or pay in lieu of notice).

In determining a disciplinary measure the disciplining manager or panel of governors will, in consultation with HR Services (where applicable), give consideration to the following:

- the warning level detailed in the disciplinary procedure relevant to the type of misconduct
- the nature of the misconduct and any warnings imposed in similar cases in the past
- the employee's disciplinary and employment record (experience, position, length of service)
- any special circumstances that constitute mitigating factors that will mean that it is appropriate to adjust the severity of the penalty
- whether the proposed warning level is reasonable considering all factors of the case
- any training, or additional support that may be required.

Normally the decision will be communicated to the employee at the reconvened hearing, following an adjournment to consider the information presented. In any event the decision will be put in writing to the employee, normally within five working days of the hearing. In very exceptional circumstances the decision may be deferred in which case the reason for the delay, along with an expected timescale will be put in writing to the parties. The final decision letter will explain, how the employee can appeal against the decision, should they wish (a copy of the letter should be sent to HR Services). (TEMPLATE 12 – HEAR NFA, TEMPLATE 13 – FIRST WRITTEN, TEMPLATE 14 – FINAL WRITTEN, TEMPLATE 15 - DISMISSAL)

The ACAS Guidelines state that except in agreed special circumstances any disciplinary action taken should be disregarded for disciplinary purposes after a specified period of satisfactory conduct or performance. This period should be established clearly when the disciplinary procedure is being drawn up. A decision to dismiss should not be based on an expired warning but the fact that there is an expired warning may explain why the employer does not substitute a lesser sanction.

Further, where a pattern emerges of lapses in conduct soon after the expiry of warnings and there is evidence of abuse, the employee's disciplinary record should be borne in mind in deciding how long any current warning should last.

Sanctions relating to allegations of safeguarding should remain on the employee's file until the person has reached normal retirement age or for a period of 10 years from the date of the allegation if that is longer.

DISCIPLINARY ACTION AGAINST THE HEAD TEACHER

Any complaint or concern about the conduct of the Head teacher should be reported to the chair of governors. The chair of governors will follow the procedure as outlined in section 3.

The chair of governors may appoint an investigating officer to the investigation, where this is considered appropriate - see above.

The chair of governors is advised to seek advice from HR Services before any action is taken under these procedures.

The chair of governors should inform the Corporate Director, Childrens and Young People of any allegation of misconduct against the Head teacher and immediately in all cases of gross misconduct where there is a potential for the Head teacher to be suspended.

The chair of governors should take reasonable steps to ensure that confidentiality is maintained in the case of any allegations against the Head teacher. Under no circumstances should the case or the alleged incident be discussed or considered by governors prior to disciplinary proceedings. Any governor who has been involved in any discussion on the case (with the exception of the chair of governors as the Investigating Manager), and any staff governors, will be prohibited from taking any part in a subsequent disciplinary panel or appeals panel.

Where it is determined that there is a need for a detailed investigation beyond the scope of the chair of governors, the Corporate Director, Childrens and Young People should be notified.

The chair of governors, governor disciplinary panel and the appeal panel should give due regard to any advice issued by the Corporate Director, Childrens and Young People or their nominated representative.

DISMISSAL

The governing body in maintained and voluntary controlled schools is responsible for establishing procedures in relation to the dismissal of staff.

The governing body may delegate the function of dismissal to the Head teacher where this is appropriate.

The decision to delegate this function should be fully documented, and governing bodies may use a standing order for this purpose.

Where a governing body has delegated the function of dismissal to the Head teacher, the school should notify the local authority and HR services.

Where the functions have been delegated to the Head teacher, the Head teacher cannot delegate this function to another person or persons.

The local authority has a statutory duty to send a representative to all proceedings relating to the dismissal of any teacher, and offer advice. Any advice offered by the local authority at these proceedings must be considered by the governing body when reaching a decision.

A member of HR Services has delegated responsibility to represent the local authority and perform this function on behalf of the local authority.

All advice offered by the representative and decisions made by the governing body in the light of that advice should be fully documented.

For community and voluntary controlled schools, the governing body must notify the local authority, in writing, if it determines that any person employed to work at the school should cease to work there and the reasons for that determination.

The local authority must terminate the employee's contract (with or without notice as appropriate) within 14 days of the date the notification was issued by the governing body.

APPEALS

If a formal sanction (warning or dismissal) is imposed the employee has a right of appeal. All appeals must be made in writing by completing TEMPLATE 16 – APPEAL FORM within five working days of receipt of the written notification of the decision. If no appeal is lodged within the given timescales, the matter will be closed, unless an extension has been mutually agreed due to exceptional circumstances.

The grounds on which the employee can appeal are:

- This procedure was not followed, and / or
- The finding of the disciplinary hearing was unreasonable, and / or
- The findings of the disciplinary hearing are disputed on a point of fact that may have influenced the outcome, and / or
- New, or additional, information has come to light which was not available at the time of the hearing.
- Any other reason pertinent to the case

Any appeal against any level of sanction should be sent to clerk to governors for an appeal panel to be convened.

The appeal panel will normally consist of a panel of three governors who have not been previously involved with the case, and are not members of staff. The appeal hearing will also be attended by the disciplining manager/chair of the disciplinary panel and the investigating officer.

The clerk to governors will write to the employee to invite them to an appeal hearing (TEMPLATE 17 – APPEAL INVITE). The employee should be advised in the letter that they have the right to be accompanied by an appropriately trained and elected trade union representative or work colleague at the hearing.

A minimum of five working days' notice will be given of the appeal hearing. If the employee's representative cannot attend on the proposed date, the employee may suggest another reasonable date no more than five working days after the date originally proposed. The five day limit may only be extended by mutual agreement.

A copy of the letter will be sent to HR Services for information where applicable. The appeal panel will normally be arranged within twenty working days of receipt of the appeal letter.

The appeal will be a review of the evidence considered and will not normally involve a full re-hearing unless additional information is available.

The employee must provide copies of any documentation they wish to refer to, to the clerk to governors, at least three working days prior to the appeal.

The appeal panel consisting of three governors will nominate a chair to conduct proceedings.

The appeal hearing will normally be conducted as follows with the chair of the hearing having the discretion to adapt the process to meet the circumstances of the case and depending on whether or not the appeal is a full rehearing:

- The chair of the hearing will introduce the participants and their roles, check that everyone has the correct documentation and explain what is going to happen
- A representative from HR Services may attend the appeal hearing in order to provide appropriate advice and guidance to the panel of three governors hearing the case. If HR Services have been involved in the disciplinary hearing stage, the HR representative at the appeal stage must be a different HR representative to the one who attended the disciplinary hearing.
- The employee (and/or their representative) will present their case/summary submission to the chair/panel. The disciplining manager and the investigating officer and the panel, including the HR representative, will have the opportunity to ask any questions. The employee, rather than the representative, must answer questions relating to matters of fact.
- The investigating officer will outline the case to the panel.
- The disciplining manager may be called as a witness by either party.
- The employee (and/or their representative) and the panel, including the HR Services representative, will have the opportunity to ask questions.
- Both sides will sum up their cases (no new information can be introduced at this stage).
- Both sides will adjourn while the appeal panel (and their adviser) consider the information and make their decision (normally this would be expected on the same day).
- The panel will ask both sides to return and inform the employee of their decision.

The options available to the appeal panel are:

- Uphold the appeal and dismiss the disciplinary sanction
- Substitute a lesser level of disciplinary sanction
- Dismiss the appeal and uphold the disciplinary sanction.

The decision will normally be confirmed to the employee in writing within five working days of the hearing (TEMPLATE 18 – APPEAL OUTCOME). The decision made on appeal will be final and where dismissal is upheld the effective date of termination shall be the date on which the employee was originally dismissed/given notice of dismissal. If appeal against dismissal is upheld the employee's pay and continuous service will be restored from the original date of dismissal.

If the appeal is upheld then all records relating to the disciplinary hearing must be removed from the employee's file.

A copy of the letter will also be sent to HR Services.

CONSIDERATION FOR SUSPENSION

In exceptional circumstances where an allegation of gross misconduct has been made and it is considered that the employee cannot remain in the school during the investigation process, it may be necessary to suspend the employee on normal pay.

- This is not in any way a disciplinary measure and does not prejudice the outcome of the investigation.

- Any decision to suspend will be made in accordance with the Staffing Regulations by the Head teacher or chair of governor in consultation with HR Services and confirmed in writing.
- The suspension must be for as short a period as possible and be reviewed by the Head teacher or chair of governors every 10 working days. The review period may be extended if there are extenuating circumstances and/or because there is a police investigation.
- Careful consideration should be given to the circumstances of the case and the employer should consider whether the arrangements that would have been achieved by the suspension could be obtained by alternative arrangements for example redeployment or providing an assistant to be present when the employee has contact with children. It may also be appropriate to consider paid leave as an alternative to suspension. Such thought processes will minimise potential professional reputational damage to teachers that can result from suspension where an allegation may later be found to be unsubstantiated, unfounded or malicious.
- Where an employee is suspended, they will receive a letter confirming the terms of their suspension, the alternatives considered, why they were not deemed appropriate in this instance, and a date for review. The employee will have written confirmation should their suspension need to be extended,

During any period of suspension the employee shall not attend their place of work other than for attending investigatory interviews and/or disciplinary hearings. The employee must not contact other employees, third party partners, governors, pupils, parents, or elected members (except as a constituent) of the council, or access the council's communication and information networks, without prior consent from the Head teacher or chair of governors. The employee must comply with any requests from their Head teacher or nominated representative to return items of council or school property, for example keys, laptop, etc. for the period of suspension. They should make themselves available during normal working hours.

The only exception to this is that if the employee has any queries they may contact their nominated contact person. The contact person will be nominated by the Head teacher or nominated representative and is there to listen to the employee's worries, pass on answers to their general queries and make arrangements on their behalf to allow them to prepare for their involvement in the investigation. If the employee wishes to contact any witness in the course of the investigation, take annual leave (where applicable) not previously authorised, or notify of any sickness, this should be done via the contact person. In allowing access for the employee to prepare their own case, the role of the contact person will be to make appropriate arrangements, with the consent of the Head teacher or chair of governors, for the individual to have access to the relevant information either by passing the information to them or allowing them direct access with appropriate supervision. If the individual needs to contact a possible witness arrangements for this should be made via the contact person. This process should in no way impede the right of the employee to prepare their own case. If necessary time scales may be extended to allow sufficient time for this to take place. Breaches of these requirements during suspension may lead to separate disciplinary action.

Communication regarding the reason for absence should be agreed with the Employee. In a situation where the employee is asked for information regarding the reasons for their suspension by other members of staff, this matter should be reported immediately to the Head teacher or nominated representative.

Pay during suspension will be at the employee's current rate of pay. E.g. If they were on half pay whilst absent due to sickness immediately prior to being suspended, their suspension will be paid at this rate. If the employee is deemed fit to return to work, suspension will be paid at their usual contracted rate.

Further guidance on suspension and the process to follow in these circumstances may be found in APPENDIX 3 – GUIDELINES FOR SUSPENSION

Criminal Offences. If the manager considers that the alleged conduct may constitute a criminal offence, such as theft or assault, or if a criminal conviction comes to light that potentially impacts on the employee's suitability to perform their duties, they should seek immediate advice from HR Services.

Allegations against members of staff regarding a safeguarding issue in school. Any allegation against a member of staff where it is alleged that:

- The member of staff has behaved in a way that has harmed a child or may have harmed a child
- Possibly committed a criminal offence against or related to a child
- Behaved in a way towards a child or children, that indicates he / she is unsuitable to work with children

The Local Authority Designated Officer (LADO) must be informed immediately before any action is undertaken at school level. The LADO is responsible for advising and monitoring cases of this nature. Where it is determined that a police investigation is necessary this will take precedence over the internal school investigation.

Allegations made about trade union officials. With the consent of the employee, a full-time union official may be informed and the case discussed with him/her prior to any disciplinary investigation/hearing being arranged.

Disciplinary and Grievance. Where an employee raises a grievance during a disciplinary process or during any disciplinary meeting it may be necessary to suspend the disciplinary process while the grievance is dealt with separately. Where possible this will be dealt with by a different Senior Manager and/or governor. Where the disciplinary and grievance cases are related, it may be possible to deal with both concurrently. Should this be the case the Chair of the meeting should decide if it is appropriate to continue or suspend the meeting to ensure there is no conflict of interests, bias or discrimination.

NOTES

The timescales to complete the stages listed above will be adhered to wherever possible but are not binding on the governing body.

The governing body reserves the right to seek assistance from suitably experienced and/or qualified external experts at any stage in the procedure, in the interests of seeking a satisfactory outcome for all those concerned.

Record Keeping. The clerk to governors is responsible for recording any hearing conducted by a panel of governors.

The records of any meetings concerned with discipline are likely to be classified as sensitive data. The records must be relevant, accurate, confidential and secure.

Documents pertaining to a case which has been found to have no merit will be securely destroyed.

In applying this procedure the governing body will pay due regard to providing reasonable adjustments under employment legislation to an employee who has a disability.

Action initiated under one procedure may be changed to an alternative procedure if investigation of the circumstances indicates this would be more appropriate.

Collaboration of Governing Bodies. The Schools Governance (Collaboration) (England) Regulations 2003, S.I 1962 and as amended by the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013, S.I. 1624 Part 1 Regulation 4, enable the governing bodies of two or more maintained schools to work together in relation to staffing functions including dismissal. These provisions allow schools to draw on a wider pool of governors for the purposes of the disciplinary processes.

A school wishing to use collaborated governors should seek advice from HR Services regarding the engagement of collaborated governors and the procedure to follow.

Referral to professional bodies. The Teaching Regulation Agency requires an employer to consider referring cases to them when the employer:

- has dismissed a teacher on the grounds of serious misconduct
- or might have done so if the teacher had not already resigned

For further details go to:

<https://www.gov.uk/government/collections/teacher-misconduct>

Where employment finishes due to a safeguarding allegation, whether resignation, dismissal or non-renewal of a fixed term contract; the matter should be referred to the Disclosure and Barring Service. This would also be necessary if the employee is removed from working with children.

Where the employee has resigned, non-renewal of a fixed term contract or has been removed from working with children, the employer will still need to continue the formal procedure in order to reach a formal decision in respect of the allegations.

For further details go to:

<https://www.gov.uk/government/publications/dbs-referrals-form-and-guidance>

Copies of the policies and procedures referred to in this document are available from, your Head teacher, or HR Services.

If you need further assistance with this document please refer to your Head teacher or HR Services.

COMPLIANCE

Failure to follow this procedure may impact on good employee relations and the reputation of the school and governing body as a good employer. In addition, it may result in the governing body breaching employment legislation, incurring financial penalties and / or damage to its reputation.

IMPACT ON THE SCHOOL PRIORITIES

The policy provides clear statements about Head teacher and employee responsibilities to ensure that the conduct of all school employees is of a high standard. This procedure supports schools in delivering excellent teaching and learning and enables the governing body to effectively meet its key school priorities.

AWARENESS REQUIREMENTS

Head teachers and employees will be informed about this policy and procedure via appropriate communication channels.

MONITORING

The Corporate Director, Childrens and Young People is responsible for ensuring implementation and review of this policy and procedure for local authority schools. The governing body is responsible for adopting and implementing this policy and procedure.

HR Services and Corporate Director, Childrens and Young People will be notified of any cases where it is concluded that the policy was breached. The notification will indicate whether there are any changes or improvements required to the policies, procedure, training, support or any other aspect of the school's approach to disciplinary matters.

HR Services will monitor the effectiveness of the policy through information received via feedback from Head teachers and employees through, for example, management team meetings and exit interviews, as well as the numbers of employees using this procedure.

REVIEW

This document will be reviewed after three years unless circumstances demand a review before then.

CONSULTATION LOG

<i>Date</i>	<i>Consultees</i>
<i>Finalised at consultation meeting on 02/10/2020.</i>	<u>Herefordshire Council</u> Ceri Morgan –Assistant Director –Education Development & Skills – Herefordshire Council <u>Schools/Academies</u> Julie Rees – Head teacher – Ledbury Primary School (attended) Lisa Appleton -- Head teacher -Barrs Court Special School Sue Gaston - Head teacher – Fairfield High School Tim Mamak – Head teacher – Leominster Primary School Martin Henton – Head teacher – Bishop of Hereford's Bluecoat School Tracey Kneale – Executive Head teacher – Marlbrook Primary School, St Martins Primary School, Little Dewchurch Primary School Kristian Phillips – Assistant Head teacher – John Kyrle High School and Sixth Form College Stephen Kendrick – Head teacher - Ashfield Park Primary School

	<p><u>Hoople Ltd (HR Services)</u> Julie Davies, HR Services Manager Julie Bridgewater- Senior HR Advisor – Schools Anna Green – HR Advisor - Schools</p> <p><u>Trade Unions</u> Chris Lewandowski, (NASUWT) Paul Deneen (NEU) Noel Glover (NAHT) Carol Rushton (ASCL) Steven Baker (NEU) Dick Colligan (VOICE) Kim Wright (GMB)</p>
V4.0 December 2023	<p><u>Herefordshire Council</u></p> <p>Darryl Freeman – Corporate Director, Childrens and Young People</p> <p><u>Schools/Academies</u> Martin Henton – Head teacher – Bishop of Hereford’s Bluecoat School Kristian Phillips – Deputy Head teacher – John Kyrle High School and Sixth Form College Paul Jennings – Head teacher – Fairfield High School Lyndsey Manning – Head teacher – Trinity Primary School Helen Rees – Head teacher – Leominster Primary School Rachel Usher – Head teacher – Ledbury Primary School Bev Blower – Executive Head teacher – The Herefordshire PRU Sue Gaston – CEO – Fairfield High School</p> <p><u>Hoople Ltd (HR Services)</u> Julie Davies, HR Services Manager Julie Bridgewater- Senior HR Business Partner – Schools Anna Green – Senior HR Advisor – Schools Sarah Watkins – HR Advisor - Schools</p> <p><u>Trade Unions</u> Chris Lewandowski, (NASUWT) Paul Deneen (NEU) Ian Taylor (NAHT) Carol Rushton (ASCL) Helen Astley (Unison) Community TU</p>

APPENDIX 1 - DEFINITIONS AND RESPONSIBILITIES

DEFINITIONS

The meaning of some key words and phrases, for the purposes of this policy, are explained below:

Work Colleague. A current employee of the school.

Head teacher. The person responsible for leading and managing the school, and has delegated powers to ensure all matters of discipline are appropriately managed. References to the Head teacher shall include any nominated deputy Head teacher / line manager acting on his / her behalf. In the case of teachers, the Head teacher or in his / her absence, the deputy Head teacher may act on his / her behalf.

Panel of governors. This is a panel of three governors who are used for any potential dismissal hearing and any appeal hearing. Where governors have been involved in the disciplinary they are then precluded from being on the appeal panel.

Trade Union representative. A trade union representative ('rep') is a trained and elected union member who represents and gives advice to colleagues when they have problems at work. A 'rep' may also discuss any concerns relating to the employer, accompany employees to formal hearings, represent employees in negotiations (pay/terms and conditions), development Health & Safety procedures with the employer and meet with the employer on behalf of the employee(s) to find workplace solutions. All Trade Union representatives of recognised trade unions must be appropriately trained and elected. Only Officers, (Usually County/District Secretaries), who have been elected and trained in negotiation and consultation are able to undertake this role. Trade Unions will be able to provide the names of those who have been trained and elected to undertake this work.

Working days. Any designated term-time or Teacher Education Training Day or any other contractual working day, but excluding the day of any disciplinary hearing and the day on which the notification of hearing is sent to the employee.

Investigatory Fact Finding/Meeting. Meetings held by the Head teacher or nominated representative investigating an allegation of misconduct to ascertain the facts of a case which will determine if a disciplinary hearing is held. The employee has no formal right of representation at this stage, although it will not normally be refused.

Disciplinary Hearing. A hearing to determine whether a disciplinary penalty should be imposed, following full consideration of the case. An employee facing a disciplinary hearing has the right of representation at the hearing.

Gross Misconduct. An employee's actions that are felt to be so serious that they warrant summary dismissal, i.e. dismissal without notice or pay in lieu of notice (see below).

Summary dismissal. Dismissal without pay (or pay in lieu of notice) imposed at a disciplinary hearing following an act or omission which constitutes gross misconduct.

RESPONSIBILITIES

Head teachers or nominated representatives are responsible for ensuring that employees understand the standards of behaviour that are expected of them, maintaining those standards

within their teams, and complying with the requirements of this policy and procedure, should action need to be taken. These standards should be made clear during the induction process and as part of the ongoing communication with employees, including 1:1s, the performance appraisal process where applicable, and performance management process for teachers in schools.

Employees are responsible for familiarising themselves with the main standards of conduct, for asking their Head teacher or nominated representative if they are unclear about what is expected of them, and for their own subsequent behaviour and actions.

Head teachers and employees are both responsible for acting respectfully toward others in relation to the implementation of these procedures. All parties should have due regard for maintaining confidentiality during any investigation or disciplinary hearing and, if in doubt, should seek advice on this from HR Services.

Governing body is responsible for ensuring that the procedure is applied consistently and fairly and that appropriate action is undertaken.

Governors are responsible for conducting themselves in an appropriate manner and should have due regard for maintaining confidentiality in relation to any disciplinary issue.

HR Services are responsible for providing timely and appropriate advice and support as required to Head teachers or nominated representatives and governing bodies conducting investigations, disciplinary hearings, and appeals. They are not responsible for maintaining standards of conduct in schools. They are not responsible for making decisions in relation to disciplinary penalties; these remain at all times the responsibility of the Head teacher, and governor panels. HR Services is accountable for the advice they give.

Trade Union Representatives are responsible for providing advice and support as required to their members on matters of discipline, and representing any of their members in disciplinary hearings and appeals.

APPENDIX 2 - INVESTIGATION

When a matter of concern regarding conduct arises, it is important that a thorough investigation takes place to establish the facts as soon as possible. It is important to be able to demonstrate that any subsequent disciplinary action is based on reasonable attempts to investigate all the circumstances surrounding the alleged incident.

The Head teacher must consider the appropriate person to conduct the investigation having regard to the seniority status of the accused employee and the nature of the allegation. The investigating officer should be neutral and independent and not otherwise involved in deciding the outcome of the case. It is strongly recommended that the Head teacher should not, unless absolutely unavoidable, carry out investigations as this will automatically exclude them, on grounds of impartiality and objectivity, from taking part in any subsequent disciplinary hearing.

Once an investigating officer has been appointed, they must be clear from the outset about:

- The reason for the investigation
- The precise issues to be investigated
- How the investigation will be conducted
- The proposed time frame
- All key and relevant evidence to be gathered

The extent of the investigation will depend on the nature and seriousness of the alleged misconduct. For example, in the case of poor timekeeping, a meeting with the employee and a record of attendance, and previous informal efforts to deal with the matter may be the only form of investigation required prior to a decision on whether or not to convene a formal disciplinary hearing. In other cases the alleged misconduct may be of a more serious nature and will require a more detailed investigation.

It is important to identify the types of evidence needed and this will be determined by the nature of the alleged misconduct. The investigation will usually require the person making the allegation and any witnesses to the alleged incident to be interviewed as soon as possible in order to obtain as accurate an account of events as possible. However there may be other forms of evidence that may be relevant e.g. documentary evidence, CCTV footage, computer records. Care should be taken to ensure such evidence is obtained as a priority as it may be destroyed before being obtained.

Often, further facts will come to light during investigation. This may present the need for the investigating officer to carry out further investigation and may involve interviewing other witnesses or revisiting certain areas of the investigation with the witnesses or the employee for clarification or fresh evidence.

During any fact finding interviews, care should be taken to adopt a probative approach and to avoid using leading questions. Any questions should encourage people to recall their version of events in their own words. **Witnesses must be advised on the purpose and confidential nature of the interview and that they must not discuss the investigation with people outside of it.** Witnesses must be informed that they may be required to give evidence at any subsequent disciplinary hearing. Reasonable notice should be given of the interview. Interviews should be documented in writing showing the date and time of the interview with signature of witness.

At times a witness may be reluctant to present evidence or will do so only if they are given an assurance of anonymity. In such circumstances, the investigating officer should try and establish the reasons for such reluctance and ensure the witness are aware of their obligation to help assist with establishing the facts. It would be reasonable to investigate the motivation of any informant and why there is any reason for anonymity.

No guarantee of complete anonymity can be given to witnesses as there is always a risk that if the matter becomes subject to legal proceedings, they may be required to present evidence.

Where a child is a witness to an alleged incident, it is the responsibility of the Head teacher, in conjunction with the parents/carers, to determine whether they may be interviewed or questioned. It may also be appropriate to seek advice from the Local Authority Designated Officer for Child Protection (LADO). However, this does not preclude the Head teacher asking the child to give a written account of events.

The employee should be notified of the allegation(s) and asked to attend a meeting with the investigating officer. They should be informed that the meeting is not a disciplinary hearing but an opportunity for them to respond to the allegation(s) and to assist in establishing the facts. The employee should be given reasonable notice of the meeting and advised that they may be accompanied by an appropriately trained and elected trade union representative or a work colleague. At the meeting, any explanations put forward by the employee, including whether there are any special circumstances to be taken into account must be considered and investigated. If the employee unreasonably refuses to participate in the investigatory meeting, they should be informed that a decision will be based on the remaining evidence gathered.

Once the investigation has been concluded, the investigating officer will submit their findings in the form of an investigation report which should clearly identify options for action by the Head teacher and/or governing body. If the recommendation is to proceed to a formal disciplinary hearing, the investigating officer will be required to present the case at any such hearing. Where there is no case to answer all reference to the alleged misconduct will be removed from the employee's file.

APPENDIX 3 – GUIDELINES FOR SUSPENSION

Suspension from duty is not intended as a disciplinary measure in itself and should not be seen as punitive or pre-judging the outcome of any investigation. Suspension should be seen as a neutral act.

Suspension should not be an automatic response when an allegation is reported; careful thought should be given to each case and will be dependent on the circumstances.

Suspension is usually only appropriate:

- In cases which appear to involve gross misconduct; or
- In order to allow a thorough and unhindered investigation to take place; or
- For reasons of safety

At the suspension meeting the Head teacher or nominated representative (or chair of governors if suspending a Head teacher) should:

- Inform the employee of each and every allegation made against them, being as specific as possible.
- Try and obtain an initial response to each allegation, namely acceptance, denial or no comment.
- Spell out which allegations, if any, constitute gross misconduct, or otherwise explain why the suspension is necessary.
- Explain that the suspension is immediate, but that it is neither an indication of perceived guilt, nor a disciplinary penalty.
- Explain that an investigation into each allegation is being undertaken and that the outcome of the investigation could lead to informal action, a formal disciplinary hearing, other management action, or no further action.
- Either give the employee a date, time and venue for an investigatory meeting or let them know when they may expect to receive these details.
- Advise them that they should stay away from work premises, avoid using the information networks such as email, and avoid contact with pupils, parents, other employees and elected members / governors until the matter is resolved, using the investigating officer for indirect contact where necessary. The employee should be made aware of who is the investigating officer where this is someone other than the Head teacher.
- Explain that they should make themselves available during normal working hours.
- Advise them that, if pressed for information by pupils, parents or other employees, governors or elected members they should simply explain that they are away for a short time while some work matters are resolved.
- Secure the return of any council or school property and explain that this will be returned to the employee, if appropriate, as soon as the matter is resolved.
- Check the employee's home address and contact numbers and instruct them to notify the investigating officer immediately of any changes, including notification of sickness, which occur during the suspension.
- Signpost the employee to any employee assistance programmes or counselling services available via the school that may be of benefit.
- Confirm a point of contact within the school the employee can contact for welfare purposes.
- Confirm a date for the suspension to be reviewed. Any extensions will be confirmed in writing.
- Handle any enquiries about the suspension, but do not be drawn into the detail of the

investigation.

- Inform them they may wish to contact their appropriately trained and elected trade union representative

On receipt of the above information, either verbally, or in writing, HR Services will provide a template letter confirming the details of the suspension. See TEMPLATE 3 – SUSPEND.

APPENDIX 4 - ROLE OF THE REPRESENTATIVE

Employees have a statutory right to be accompanied, regardless of the length of service, by an appropriately trained and elected trade union representative or a work colleague at a disciplinary hearing and any subsequent appeal hearing. If the representative is a work colleague, they should be afforded reasonable paid time off. This should cover time to attend the hearing, time to familiarise themselves with the case and confer with the employee before and after the hearing.

A representative has the right to address the hearing in order to:

- Confer with the employee
- Put across the employee's case
- Sum up the employee's case
- Respond on the employee's behalf to any view expressed at the meeting

A representative does not have the right to:

- Answer questions on the employee's behalf
- Address the hearing if the employee does not wish them to do so
- Prevent the investigating officer from explaining their case

Given the importance of the representative's role, it is good practice to allow them to ask questions and participate as fully as possible.

APPENDIX 5 - DISCIPLINARY HEARING FORMAT

The Hearing should proceed in the following manner:

Introductions:

Introduce each participant and their role in the meeting.

Explain the purpose of the meeting - this is a meeting held under the Disciplinary Policy and Procedure to hear the allegations and to consider what, if any, disciplinary action should be taken. The allegations to be considered are: *detail allegation(s)*

The possible consequences arising from this meeting could include- **no action; first written warning; final written warning; dismissal.** (*Delete as appropriate)

If the allegations are to constitute gross misconduct the employee should be made aware of this.

Management's case:

The Head teacher/Chair of the Disciplinary Panel will ask the Investigating Officer to present the management case against the employee and call any witness

The Head teacher/Chair of the Disciplinary Panel will invite the employee and the employee's representatives to ask any questions of the Investigating Officer and any witnesses called.

The Head teacher/Chair of the Disciplinary Panel together with the HR representative supporting the panel may ask any questions of the Investigating Officer and any witnesses called.

Employee's case:

The Head teacher/Chair of the Disciplinary Panel will ask the employee and/or the employee's representative to present the employee's case and call any witnesses.

The Head teacher/Chair of the Disciplinary Panel will invite the Investigating Officer to ask any questions of the employee and/or the employee's representatives and any witnesses called.

The Head teacher/Chair of the Disciplinary Panel together with the HR Representative supporting the panel may ask any questions of the employee and/or employee's representative and any witnesses called.

Summing up:

The Head teacher/Chair of the Disciplinary Panel will invite both parties to sum up their case in the order in which they were presented. The Head teacher/Chair of the Disciplinary Panel may wish to adjourn the Hearing briefly, if necessary, to allow both parties to prepare their summations

During the summing up no new evidence should be introduced by either party.

Following the summations, the Head teacher/Chair of Disciplinary Panel will invite both parties to withdraw whilst the Head teacher/Disciplinary Panel, advised by the HR Representative, reaches a decision.

The Decision:

The Head teacher/Disciplinary Panel will consider the evidence presented seeking advice from the HR Representative as required and, if present, the representative from the Local Authority.

If there is any uncertainty about the information presented, or the discussion raises the need for the further questioning of either party's evidence, the Head teacher/Chair of the Disciplinary Panel should invite both parties to return so that further clarification can be sought from either or both parties.

If the Head teacher/Disciplinary Panel wishes to question either party on matters which have not already been raised, or new evidence emerges at this stage, either party may request an adjournment to carry out further investigation before responding. The Head teacher/Chair of Disciplinary Panel will make a decision on any such requests including the length of any adjournment.

Once the Head teacher/Chair of Disciplinary Panel has reached a decision, both parties will normally be recalled and informed of the decision.

Where the allegation is proven, before deciding the level of sanction, the Chair of the Disciplinary Panel will consider the nature and level of the current offence in relation to the employee's job, any mitigating circumstances evident from the case presentations, and the employee's current disciplinary record. The Head teacher/Chair of the Disciplinary Panel will inform the employee:

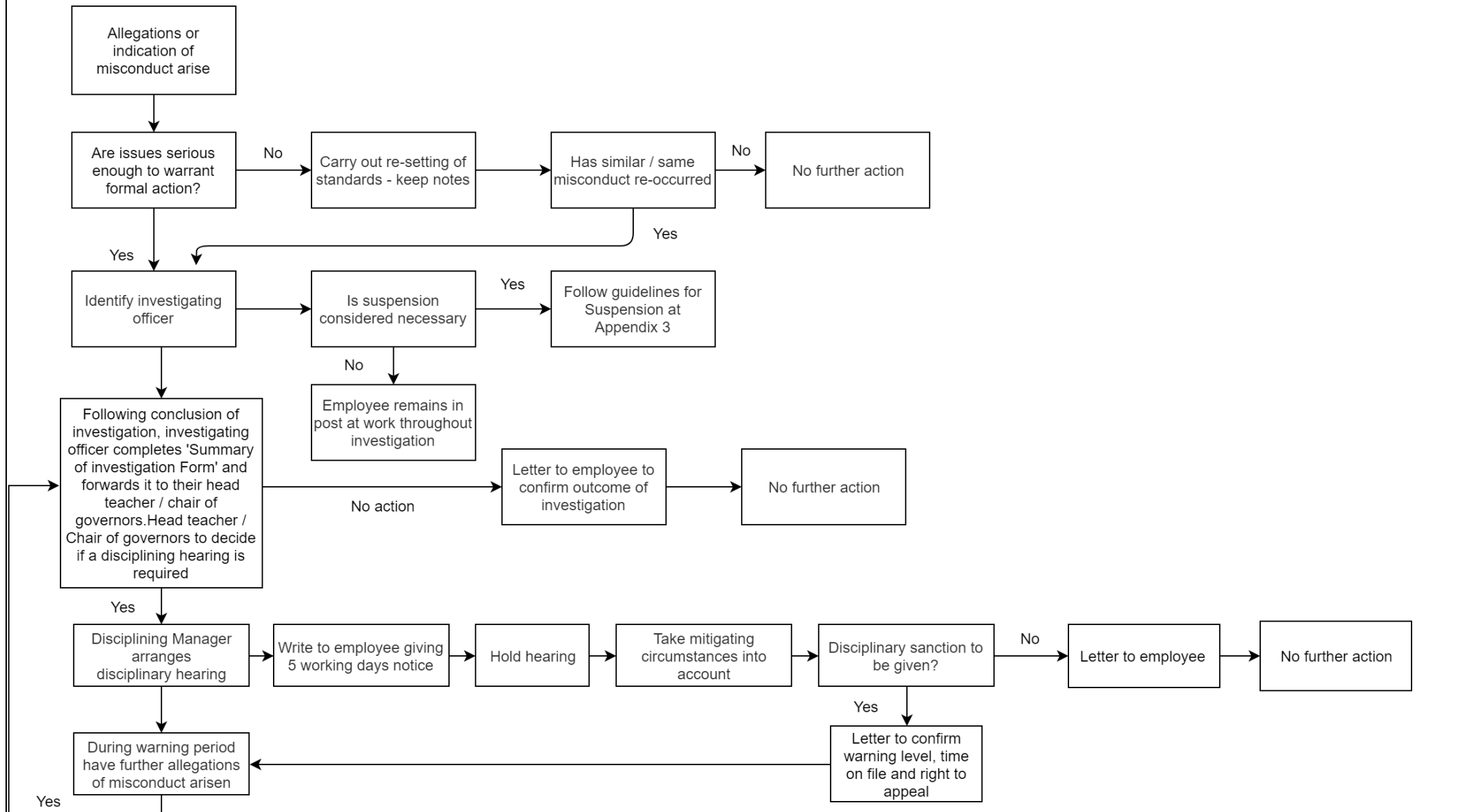
- The precise nature of the misconduct; and whether it is considered to be misconduct or gross misconduct;
- What, if any, mitigating circumstances have been taken into account;
- What disciplinary action is being taken and the length of time for which the disciplinary action is valid, or in the event of dismissal whether it is with or without contractual notice (the latter only applies in the case of gross misconduct)
- The employee should be informed of the consequences of further misconduct within the set period of the disciplinary sanction issued. For instance that it may result in dismissal or some other contractual penalty such as demotion or loss of seniority.
- Their right of appeal and the appropriate timescale within which the employee needs to submit their appeal.

Where the allegation(s) is judged not proven all reference to the matter will be removed from the employee's file.

The outcome of the Hearing should be confirmed in writing normally within 5 working days of the date of the Disciplinary hearing

At times, due to the complex nature of the case and the extent of the evidence presented, it may not always be possible for the Head teacher/Disciplinary Panel to reach a decision within the timeframes set for the day. At times the Hearing itself may continue late into the day and it may be considered reasonable to allow the employee and their representatives to go home. In these circumstances, the employee will be notified of the decision and corresponding reasons in writing normally within 5 working days of the date of the hearing.

APPENDIX 6 - DISCIPLINARY PROCEDURE – KEY STEPS



APPENDIX 7 - EXAMPLES OF MISCONDUCT

EXAMPLES OF GROSS MISCONDUCT - This list is not exhaustive.

- Bullying or harassment; to include cyber-bullying whether it be on the basis of age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex or sexual orientation or any other grounds.
- Theft or fraud; from the school, governors, other employees, pupils or members of the public
- Malicious or serious damage or misuse to school / governing body property or equipment
- Fighting or assault
- Serious incapability through alcohol or being under the influence of illegal drugs
- Falsification of records e.g. timesheets, expenses claims or qualifications/criminal record in a job application etc. or aiding someone else in doing so
- Sexual or indecent assault
- Deliberately accessing Internet sites containing pornographic, offensive or obscene material, or the forwarding on of emails containing these
- Serious and/or repeated breaches of health and safety rules e.g. endangering other people or resulting in damage to property and/or equipment
- Serious insubordination or disobedience of instructions, or failure to co-operate with the employer
- Serious negligence which causes unacceptable loss, damage or injury.
- Bringing the school / governing body into serious disrepute
- Serious breach of confidence

Version log

Version	Status	Date	Description of change	Reason for change	Pages affected
2.1	Archive	19/09/2019	Added clarity regarding witnesses, and collaborated governing body's expanded appendices to include the format of a hearing, flow chart, role of TU rep, the investigation stage	Feedback and observations during use of policy	All reviewed
3.0	Final	02.10.2020	Removal of disciplining managers required attendance at all appeal hearings. General updates and clarification of other points including guidance relating to issuing of a Management Instruction	Feedback during use of policy and from TU colleagues.	All reviewed
4.0	Final	November 2023	Addition of details on use of management instructions, plus general review.	Feedback during use of policy and from TU colleagues.	All Reviewed
		December 2023	Removal of Management Instructions and terminology changed to Record of Conversation Document. Separate guidance	Unable to agree on Management instructions within Disciplinary Policy	All Reviewed

			document produced on the Record of Conversation Documents		